

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 32944 of 2007(V)

PETITIONER:

**M/S.PAK N PAK, 434/XIII, KARIKKASSERY
BUILDINGS, MALIPURAM P.O., KOCHI - 682 511,
REPRESENTED BY ITS MANAGING PARTNER,
MRS.PUSHPAM XAVIER.**

**BY ADV. SRI.A.JAYASANKAR
SRI.MANU GOVIND**

RESPONDENTS:

- 1. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE-
FUND BOARD, ERNAKULAM.**
- 2. JOINT REGIONAL TRANSPORT OFFICER,
MOTOR VEHICLE DEPARTMENT, PARUR.**

BY P. RAMAKRISHNAN, SC FOR R1

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC, J.
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W.P.(C) NO. 32944 OF 2007 V
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Dated this the 7th day of November, 2007

J U D G M E N T

Petitioner submits that they are entitled to remit Motor Vehicles Tax without a clearance certificate issued by the 1st respondent. The ground on which exemption is claimed is that the establishment of the petitioner is a covered one under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act. Ext.P2 is the certificate produced by the petitioner in support of his contention that it is a covered establishment.

2. In respect of an establishment to which the EPF Act applies, the provisions of the Motor Transport Workers Welfare Fund Act is inapplicable. If that be so, the 2nd respondent is not justified in demanding a clearance certificate from the 1st respondent for accepting Motor Vehicles Tax tendered by the petitioner.

In view of the above, I dispose of this writ petition directing that the 2nd respondent shall accept tax in respect of the vehicles owned by the petitioner, if the petitioner produces proof to the satisfaction of the 2nd respondent that upto-date contribution in terms of EPF Act has been remitted by it.

ANTONY DOMINIC, JUDGE.

Rp